

By the Committee on Local Government & Veterans Affairs
and Representatives Ritter and Sorensen

1 A bill to be entitled
2 An act relating to annexation; requiring
3 certain counties to establish a plan for the
4 annexation of unincorporated areas and to annex
5 such areas by one or more ordinances; requiring
6 consultation; providing definitions; providing
7 for public hearings; requiring certain notices
8 and publication of notices; establishing
9 certain criteria for annexations; authorizing
10 referenda; requiring certain consent for
11 certain annexations; providing for statutory
12 construction; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. (1) This act shall apply to any chartered
17 county of this state that has both a population of 1.5 million
18 or more as determined in the last decennial census and has 10
19 percent or less of its developed or developable lands within
20 unincorporated areas. This act shall not apply to any county
21 chartered pursuant to s. 6(e), Art. VIII of the State
22 Constitution.

23 (2) Notwithstanding any general or special law to the
24 contrary, the board of county commissioners of any such county
25 shall present a comprehensive plan consistent with the
26 provisions of s. 2, Art. I of the State Constitution, no later
27 than November 30 of the second year following the decennial
28 census, in consultation with such county's legislative
29 delegation and the municipalities, for the annexation of all
30 remaining developed and developable unincorporated areas
31 within said county into municipalities. No later than

1 September 15 of the fifth year following the decennial census,
2 notwithstanding any general or special law to the contrary,
3 the board of county commissioners of any such county shall by
4 one or more ordinances cause the annexation of all remaining
5 developed and developable unincorporated areas within said
6 county into municipalities in a manner consistent with the
7 established plan. Such ordinances shall describe each area to
8 be annexed by its legal description and shall provide the
9 effective date of such annexations. Notwithstanding any
10 general or special law to the contrary, or any charter
11 provision to the contrary, such ordinances shall apply with
12 equal effect to both unincorporated and municipal areas within
13 the boundary of such county.

14 (3) Each of the areas annexed into a municipality
15 shall be a part of said municipality pursuant to s. 171.062,
16 Florida Statutes, on the effective date of the annexation.
17 Such ordinance shall be filed with the Department of State by
18 the county not later than 30 days subsequent to the date of
19 the adoption of the ordinance.

20 (4) As used in this act, the following terms shall be
21 defined as follows:

22 (a) "Municipality" means a municipality created
23 pursuant to general or special law authorized or recognized
24 pursuant to s. 2 or s. 6, Art. VIII of the State Constitution.

25 (b) "Contiguous" means that a substantial part of a
26 boundary of the territory sought to be annexed by a
27 municipality is coterminous with a part of the boundary of the
28 municipality. The separation of the territory sought to be
29 annexed from the annexing municipality by a publicly owned
30 county park; a right-of-way for a highway, road, railroad,
31 canal, or utility; or a body of water, watercourse, or other

1 minor geographical division of a similar nature, running
2 parallel with and between the territory sought to be annexed
3 and the annexing municipality, shall not prevent annexation
4 under this act, provided the presence of such a division does
5 not, as a practical matter, prevent the territory sought to be
6 annexed and the annexing municipality from becoming a unified
7 whole with respect to municipal services or prevent their
8 inhabitants from fully associating and trading with each
9 other, socially and economically. However, nothing in this act
10 shall be construed to allow local rights-of-way, utility
11 easements, railroad rights-of-way, or like entities to be
12 annexed in a corridor fashion to gain contiguity. If any
13 provision or provisions of special law or laws prohibit the
14 annexation of territory that is separated from the annexing
15 municipality by a body of water or watercourse, that law shall
16 prevent annexation under this act.

17 (c) "Urban services" means any services offered by a
18 municipality, either directly or by contract, to any of its
19 present residents.

20 (d) "Compactness" means concentration of a piece of
21 property in a single area and precludes any action that would
22 create enclaves, pockets, or finger areas in serpentine
23 patterns. Any annexation proceeding in any county in the state
24 shall be designed in such a manner as to ensure that the area
25 will be reasonably compact.

26 (5) The plan required in subsection (2) shall be
27 established in the following manner:

28 (a) Such county may provide for any staff or
29 professional services it deems necessary for the preparation
30 and implementation of the annexation plan.

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1 (b) Such county shall hold at least two public
2 hearings prior to adoption of the annexation ordinance.

3 (c) Any such public hearings shall be noticed by
4 publication at least 7 days in advance of each such meeting in
5 a newspaper of general circulation in the county.

6 (d) The annexation plan shall include recommendations,
7 submitted to each area to be annexed, for the extension of
8 urban services on substantially the same basis and in the same
9 manner as such services are provided within the rest of the
10 annexing municipality prior to annexation.

11 (6)(a) In determining the annexation of unincorporated
12 lands within a county as provided for by this act, such county
13 shall utilize the following criteria: the total area to be
14 annexed must be contiguous to the municipality's boundaries at
15 the time the annexation proceeding is begun and must maintain
16 compactness, and no part of the area shall be included within
17 the boundary of another incorporated municipality. No area
18 shall be annexed if the effect of the annexation ordinances,
19 in conjunction with all other annexations approved pursuant to
20 this act, would increase the population of the municipality by
21 more than 30 percent, unless approved by resolution of the
22 subject municipality.

23 (b) Part of all of the area to be annexed must be
24 developed for urban purposes. An area developed for urban
25 purposes is defined as any area which meets any one of the
26 following standards:

27 1. It has a total resident population equal to at
28 least two persons for each acre of land included within its
29 boundaries.

30 2. It has a total resident population equal to at
31 least one person for each acre of land included within its

1 boundaries and is subdivided into lots and tracts so that at
2 least 60 percent of the total number of lots and tracts are 1
3 acre or less in size.

4 3. It is so developed that at least 60 percent of the
5 total number of lots and tracts in the area at the time of
6 annexation are used for urban purposes, and it is subdivided
7 into lots and tracts so that at least 60 percent of the total
8 acreage, not counting the acreage used at the time of
9 annexation for nonresidential urban purposes, consists of lots
10 and tracts 5 acres or less in size.

11 (c) In addition to the area developed for urban
12 purposes, the board of county commissioners may include in the
13 area to be annexed any area which does not meet the
14 requirements of this subsection if such area meets either of
15 the following criteria:

16 1. Lies between the municipal boundary and an area
17 developed for urban purposes, so that the area developed for
18 urban purposes is either not adjacent to the municipal
19 boundary or cannot be served by the municipality without
20 extending services or water or sewer lines through such
21 sparsely developed area; or

22 2. Is adjacent, on at least 60 percent of its external
23 boundary, to any combination of the municipal boundary and the
24 boundary of an area or areas developed for urban purposes as
25 defined above.

26 (7) Where an unincorporated area meets the criteria in
27 subsection (6) and is contiguous to more than one
28 municipality, a county is authorized to hold a binding
29 referendum to determine into which municipality the
30 unincorporated area shall be annexed. A special election may
31 be called by the board of county commissioners wherein only

1 qualified electors within the unincorporated area as provided
2 in this subsection shall vote. Notwithstanding s. 101.161,
3 Florida Statutes, the names of some or all contiguous
4 municipalities shall appear on the ballot. If two
5 municipalities appear on the ballot pursuant to this
6 subsection, the unincorporated area shall be annexed to the
7 municipality receiving a majority of votes of the electors
8 voting in said election. If more than two municipalities
9 appear on the ballot pursuant to this subsection, the
10 unincorporated area shall be annexed to the municipality
11 receiving the plurality of the vote of the electors voting in
12 said election. Annexations accomplished pursuant to this
13 subsection shall be effective pursuant to subsection (3) on a
14 date determined by the county's annexation plan, but in no
15 event later than September 15 of the fourth year following the
16 establishment of the annexation plan.

17 (8) No existing county regional facility shall be
18 annexed by the procedure provided in this act unless the
19 affected county and the annexing municipality consent to same
20 by ordinance of each governing body.

21 (9) This act shall take precedence over all prior
22 existing laws.

23 Section 2. This act shall take effect upon becoming a
24 law.

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HOUSE SUMMARY

Requires certain counties to establish a plan for the annexation of unincorporated areas, and to annex such areas by ordinance. Requires consultation. Provides definitions. Provides for public hearings. Requires certain notices and publication of notices. Establishes certain criteria for annexation. Requires certain consent for certain annexations. Provides for statutory construction.